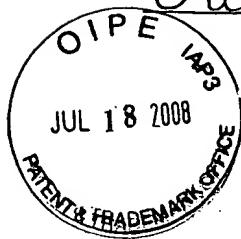


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July 15, 2008.

Alexandra Allin  
Alexandra Allin



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : William W. Smith III, et al.  
Application No. : 09/684,010  
Filed : October 6, 2000  
Title : Online, Multi-Carrier, Multi-Service Parcel Shipping Management Functional Alignment of Computer Devices  
Grp./Div. : 3629  
Examiner : Plucinski, Jamisue A.  
Docket No. : PSTM0002/MRK

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312  
Pasadena, CA 91101-4710  
July 15, 2008

**DECLARATION UNDER 37 C.F.R. SECTION 132  
BY WILLIAM W. SMITH III  
FILED IN SUPPORT OF  
AMENDMENT AND RESPONSE TO OFFICE ACTION  
DATED MARCH 17, 2008**

**BACKGROUND INFORMATION ABOUT THE DECLARANT**

1. I, WILLIAM W. SMITH III, am Chief Technology Officer ("CTO") of iShip Inc., a wholly owned subsidiary of United Parcel Service, which is one of the assignees of the above-mentioned application. I have been in the employ of iShip Inc., or one of its predecessor's in interest, since at least 1995, and in the present capacity as Chief Technology Officer since at least 1997.
  
2. iShip Inc. is an online provider of a multi-service, multi-carrier, Internet-enabled server-based shipping management system (at, among others,

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www.iship.com) for use by small volume shippers such as small businesses and home offices. The multi-carrier, multi-service, Internet-based shipping management system that iShip Inc. offers provides shipping users ("shippers") with a cross-comparison of shipment rating, service options, delivery schedules and other services by each of the multiple carriers for each of multiple services so that a shipper can compare multiple services offered by the multiple carriers and select one service offered by one of the multiple carriers to ship a parcel. When I first became involved in the development of this particular shipping management system, I worked for MoveIt! Software Inc. ("MoveIt!"), a company that was founded in 1997; I was one of three founders. MoveIt! eventually became iShip.com, Inc., which eventually merged with Stamps.com Inc. and which is currently a wholly owned subsidiary of United Parcel Service ("UPS"). As of the date of this Declaration, iShip Inc. and Stamps.com are joint owners in common of the subject invention.

3. I hold a Master of Science degree, granted in 1988, in Industrial Engineering and Operations Research from Virginia Tech.

4. I am one of the inventors of the present invention and have reviewed, and am familiar with, the above-identified patent application.

5. I have reviewed, and am familiar with, the Office Action regarding the above-identified patent application dated March 17, 2008.

6. I have reviewed, and am familiar with, Boucher et al. (U.S. Patent No. 6,976,007 "Boucher"), both of which were cited by the March 17, 2008 Office Action.

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**BACKGROUND INFORMATION REGARDING THE INVENTION**

7. At Movelt!, we initially defined our primary market as small enterprises and individuals who were small-volume shippers.

8. By the late 1990's, members of our primary market were predominately accessing the Internet via browser software, or other software that is adapted to retrieve and render hyper-media content. Then, and today, browser software (and other software that is adapted to retrieve and render hyper-media content) is installed on a computer device and executes as a type of virtual machine; browser software (and other software that is adapted to retrieve and render hyper-media content) executing on a computer device, executes within the operating system that controls the computer device. References herein to browser software pertain equally to other types of software that are adapted to retrieve and render hyper-media content.

9. By the late 1990's, various small enterprises and individuals, the very members of our primary market, had begun to install firewalls to protect their computer systems from unauthorized access. The firewalls prevalent during the late 1990's prevented, to some extent, computers within the firewall from downloading software from various external sources (sources outside the firewall), including, e.g., Internet sources.

10. At Movelt!, because so many of our potential customers were installing, or had installed, firewalls, we wanted to provide an Internet-based system that would be compatible with, and not be compromised by, firewall protection measures. Because firewalls installed by many of our potential customers would prevent the downloading and installation of software on their client computers, our initial approach in developing an Internet-enabled, server based shipping

management system was to provide a completely browser-accessed system that would not require a client user to download or install any client software on the client user's client computer.

11. Client software is software that is installed on a client computer; client software, once installed, executes on the client computer and "talks" to corresponding server software that is executing on a server computer when the client computer accesses the server computer. Client software, because it is installed on a client computer, has the ability to access information on the client computer, and subject to the speed of the client computer device, provides responses to user interactions that are independent of traffic load on a server computer operating over an Internet connection.

12. Unlike systems that use client software installed and executing on a client computer device to perform various tasks, a system such as ours was designed so that browser software could facilitate interactions with applications software executing on server computers.

13. During the late 1990's, prior to our invention, in a web-based, Internet-enabled computer application that would be accessed via browser software executing on client computers, it was customary for the Internet application website to provide one or more server computers. During that period, even if multiple server computers were provided, it was common that each server computer would be loaded with full application functionality. That is, it was common that all program objects for a subject application would be operable on each server computer. This approach of other systems was described in the Specification of the present application as follows: "Some standalone carrier systems dedicate a single computer device to the performance of all shipping

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functionalities. Such a configuration does not provide time effective support for a high volume of shipping input and requests by a high volume of users over a global communications network. Accordingly, some way is needed to provide time effective support for a high volume of shipping input and requests by a high volume of users over a global communications network." Specification, p. 2, lines 19-24.

14. Thus, during the late 1990's, prior to our invention, it was common for each server computer to be loaded with a plurality of program objects to perform a number of different functions.

15. The result of loading each server computer with a plurality of differently functioning program objects, was sometimes that a server computer could become over-loaded or over-trafficked with transactions for particular functions, and as a result, would not be available to perform other functions. In such an Internet application, the result of a server computer being overloaded with transactions of a particular function was that the Internet application would exhibit a slow response time for users.

16. In order to give users faster response time, a common reaction by administrators of web-based, Internet-enabled applications systems to a server computer being overloaded with transactions of a particular function, was to add one or more additional server computers. However, during the late 1990's, prior to our invention, when one or more server computers were added, each server computer would often be loaded with complete parallel functionality to the earlier-installed server computer.

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17. The result of this approach of parallel-full-functionality server computers was that each server computer might be eventually become extremely busy with a particular type of transaction, and might under serve and/or provide slow response time for other transaction types.

18. During the late 1990's, prior to our invention, one aspect of providing a web-based, Internet-enabled, multi-carrier shipping management computer system was the need to be able to provide to users, shipment status (tracking) information for each user's various parcels, even when various parcels for the same user were being shipped by different carriers. A further need was that Internet users wanted to be able to obtain real-time tracking information in response to their online inquiry. At the time, even assuming that each separate carrier system may have been able to provide online tracking information, we wanted our multi-carrier system to be able to provide users with tracking information from our system without requiring the user to separately sign-on to each separate carrier system.

19. During the late 1990's, prior to our invention, some carriers were making files available on a periodic basis that would contain tracking information. During the late 1990's, prior to our invention, one way for a multi-carrier system to provide tracking information to its users would have been for the multi-carrier system to gain access to these periodically-provided carrier tracking information files, and report tracking information for a user's parcel(s) back to the user. One problem with that approach was that if a user submitted an online request to such a multi-carrier system, the tracking information that may have been available would have only been as updated as the multi-carrier system's last access to the periodically-provided carrier tracking information files.

20. During the late 1990's, prior to our invention, another approach for obtaining tracking information from carrier systems was to send tracking objects for delivery to a carrier's website and then receive HTML pages from the carrier's website.

21. One problem with the above-described approach of sending tracking objects to a carrier's website was that some carriers imposed restrictions on the number of tracking objects that could be made from a particular IP (Internet Protocol) address.

#### **VARIOUS ASPECTS OF THE INVENTION**

22. As an alternative to full-functionality of multiple server computers operating in parallel, we invented a web-based, Internet-enabled shipping management computer system in which the server computers were functionally aligned. That is, in various embodiments of our invention, we dedicated a first server, or as the system grew, a first bank of servers, to a first particular shipping management computer system function; we dedicated a second server, or as the system grew, a second bank of servers, to a second particular shipping management computer system function; we dedicated a third server, or as the system grew, a third bank of servers, to a third particular shipping management computer system function; etc.

23. For example, we developed an exemplary web-based, Internet-enabled shipping management computer system with a first server computer, or as the system grew, a first bank of server computers, that was/were dedicated to a first particular shipping management computer system function, such as, for example, interacting with remote access by the various users/client computers that were

accessing the exemplary web-based, Internet-enabled shipping management computer system.

24. With our invention, in the exemplary web-based, Internet-enabled shipping management computer system, we dedicated a second server computer, or as the system grew, a second bank of server computers, to a second particular shipping management computer system function, such as, for example, rating.

25. With our invention, in the exemplary web-based, Internet-enabled shipping management computer system, we dedicated a third server computer, or as the system grew, a third bank of server computers, to a third particular shipping management computer system function, such as, for example, tracking.

26. With regard to the need to obtain tracking information, with our invention, in the exemplary web-based, Internet-enabled shipping management computer system, the exemplary embodiment would determine the relevant Carrier's ID, such as from a user-entry of a tracking number. The exemplary embodiment would use the Carrier's ID to determine the Internet address for the Carrier's Internet website. Then, using the Carrier's Internet address, the exemplary embodiment made an exemplary online connection (in the exemplary embodiment, an HTTP connection) to the Carrier's web server. Then, through the exemplary online connection, the exemplary embodiment submitted a tracking request to the Carrier's website. Next, still through the exemplary online connection, the exemplary embodiment received a tracking response returned by the Carrier's website. The exemplary embodiment then, in turn, provided the tracking information to the requesting user. See, e.g., Specification, p. 85, line 16 – p. 86, line 15.

27. With our invention, in the exemplary web-based, Internet-enabled shipping management computer system, the exemplary embodiment approach of establishing an online connection with a carrier's website and obtaining tracking information for a parcel was not subject to the same limitations described above regarding the number of tracking objects that could be received from a particular IP address.

## **DISCUSSION OF A CITED REFERENCE**

28. After reviewing *Boucher*, it is my opinion that *Boucher* discloses precisely the above-described approach that was common prior to our invention of sending tracking objects for delivery to a carrier's website and then receiving in response, HTML pages from the carrier's website with tracking information.

29. After reviewing *Boucher*, it is my opinion that *Boucher* describes the above-mentioned problem with the above-described approach that was sometimes used prior to our invention of sending tracking objects to a carrier's website. In particular, *Boucher* describes that some carriers imposed restrictions on the number of tracking objects that could be made from a particular IP (Internet Protocol) address. See *Boucher*, col. 7, lines 14-18. *Boucher* also describes a way "...to partially overcome the constraints of the specified carrier, [by initiating] tracking objects from a plurality of server sites ...." *Boucher*, col. 7, lines 22-24.

30. After reviewing *Boucher*, it is my opinion that the above-described approach of various embodiments of our invention to make an online connection (in the exemplary embodiment, an HTTP connection) to a Carrier's web server is different from the approach disclosed in *Boucher* of ending tracking objects for delivery to a carrier's website for at least two reasons. One reason that our

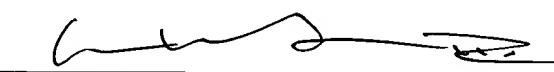
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invention is different than that disclosed in *Boucher* is that various exemplary embodiments of our invention established an online connection with a carrier's website to obtain tracking information for a particular parcel -- that approach is not disclosed in *Boucher*. Another reasons that our invention is different than the approach disclosed in *Boucher* is because various exemplary embodiments of our invention establishing an online connection with a carrier's website was not subject to the same limitations described above, and as described in *Boucher*, regarding the number of tracking objects that could be received by various carrier websites from a particular IP address.

31. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Date: JUN 30, 2008



William W. Smith III